

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	: CIVIL ACTION NO. 1:03-CR-0234
	:	
v.	:	: (Judge Conner)
	:	
JOSE M. GARCIA	:	

ORDER

AND NOW, this 10th day of January, 2006, upon consideration of the correspondence (Doc. 40) from defendant dated January 3, 2006 and addressed to the attention of the court, requesting—at no cost to defendant—copies of the plea and sentencing transcripts in the above-captioned case so that defendant may “submit an all-inclusive motion under 28 U.S.C. § 2255” (Doc. 40), see 28 U.S.C. § 2255 (governing motions to “vacate, set aside or correct [a] sentence”), and the court finding that defendant has failed to demonstrate that the motion is not frivolous and that the transcripts are needed to decide the issues raised by the motion, see 28 U.S.C. § 753(f) (“Fees for transcripts furnished in proceedings brought under 28 U.S.C. § 2255 . . . shall be paid by the United States . . . if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issues presented by the suit or appeal.”); see also United States v. MacCollom, 426 U.S. 317 (1976), it is hereby ORDERED that:

1. The correspondence (Doc. 40) from defendant dated January 3, 2006 is CONSTRUED as a motion for transcripts without cost and is DENIED, as so construed, without prejudice to defendant’s right to file such a motion setting forth with particularity the reasons why the transcripts are needed. See 28 U.S.C. § 753(f).

2. Defendant shall be permitted to contact directly the court reporter for the above-captioned case and to inquire about purchasing copies of the transcripts requested. Any such correspondence may be sent to:

Mr. Wesley J. Armstrong, R.M.R.
Official Court Reporter
Federal Building & U.S. Courthouse
228 Walnut Street, P.O. Box 847
Harrisburg, PA 17108-0847

/s/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge